

## City Of Euless

201 N Ector Drive Euless, TX 76039 (817)685-1594



## Complaint Report

Case #: PETS021883C

Status: Closed

Beat: SECTION 4

Officer: LARRY JAMES

Open Date: 09/04/04

Time: 16:15:57

Dispatch Date: / /

Time:

Arrive Date: / /

Time:

Depart Date: / /

Time:

Close Date: 09/04/04

Time: 16:30:29

Complainant: Unspecified

Address or location of complaint:

203 IRONBRIDGE

Complaint: SIG 50 CRUELTY/NEGLECT INVE  
CHICKENS

Owner: Unspecified

ID:

Animal:

Previous History: ☐ Complaints ☐ Bites ☐ Enforcements ☐ Impounds

Complaint Validity: Definitely Valid

Animal Condition: DOA

Patrol Requested:

Send Warning Letter:

Disposition Notes:

CODE 6 NO VIOLATION WITNESSED

Processed by larryj at 15:41:41 on 06/21/06 using PetWhere\*

## City Of Euless

201 N Ector Drive Euless, TX 76039 (817)685-1594



## Complaint Report

Case #: PETS026121C

Status: Closed

Beat: SECTION 4

Officer: Unspecified

Open Date: 05/04/06

Time: 19:49:23

Dispatch Date: / /

Time:

Arrive Date: / /

Time:

Depart Date: / /

Time:

Close Date: 05/04/06

Time: 20:35:48

Complainant: Unspecified

Address or location of complaint:  
203 IRONBRIDGEComplaint: SIG 34 ASSIST POLICE  
K.W. SPARGUR

Owner: Unspecified

ID:

Animal:

Previous History: ☐ Complaints ☐ Bites ☐ Enforcements ☐ Impounds

Complaint Validity: Definitely Valid

Animal Condition: Unspecified

Patrol Requested:

Send Warning Letter:

Disposition Notes:

CODE 6 NO VIOLATION WITNESSED

Processed by [signature] at 15:37:04 on 06/21/06 using PetWhere®

**EULESS POLICE DEPARTMENT**

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**Call For Service Report****Call For Service**

Call Number	0400049674	Date / Time Call Received	09/04/04 16:41:31	Call Received by	Pacek,C. #419
ORI Number	FFFFFFFF	Date / Time Dispatched	09/04/04 16:43:28	Call Entered by	Pacek,C. #419
Call Source	Phone Call	Date / Time Enroute	09/04/04 16:43:32	Call Dispatched by	Galaviz,A.O. #408
Call Type	BACK UP UNIT	Date / Time Cleared	09/04/04 16:50:37		
Call Disposition	B ASSISTANCE REND	Date / Time Arrived	09/04/04 16:45:23		

**Reportee**Reportee (First,Middle,Last) **Larry James**Reportee Street Number **203 IRONBRIDGE PL Euless**

Phone

**Police**

Police Number	0400049674	District	4	Reporting Area	Sector
Date/Time Arrested		Prisoner Transport		Mileage In	Mileage Out

**Location**

Location Name		Location Type	
Location(St#, St, Apt, City, Zip)	203 IRONBRIDGE PL Euless 76039 Tarrant		

**Occupant/Suspect**

ID	Type	Occupant Name	D.O.B.
Race	Sex	Age	Weight
Skin Tone		Clothing	Height "
			Hair Color

**Vehicle**

LICENSE	MODEL	STATUS	Wrecker Company
STATE	YEAR	VEHICLE TYPE	DT Wrecker Arrived
Lic. Exp. Date	MAKE	BODY STYLE	DT Wrecker Called
VIN	COLOR	VALUE	

**Assigned Unit**Unit Number **214** Officer **Hinojosa, R. #202****Call Remarks**

09/04/2004 16:41:31

ref animal complaint

**EULESS POLICE DEPARTMENT**

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**OFFENSE Report**

ORI: TX2200900

Incident No. 0600029188

6/21/2006

**Incident**

CAD No. 0600041652 Other No. Type **Non-Criminal** Date Occur **05/04/2006 19:15**  
 Status **Open** Clear. Date Enter By: **Hill, A.A. #446** Exc. Clear.  
 Inv. Status Report By: **Ho, S. #388** **05/04/2006** Approv. By: **Neill, D.E. #36** **05/04/2006**  
 Fam. Viol. **No** Narrative **I0600029188.doc** Investigator **Unknown**  
 Description  
 Officer Ho took an incident report for a city ordinance violation

Dispatch Location **203 IRONBRIDGE PL Euless****- Offense No. 1** Offense Recording Date **05/05/2006 12:33**

Off. Begin Date **05/04/2006 19:57** Off. End Date **05/04/2006 20:28** Entry Method Attempt/Complete  
 Drug Seized Gang Related Hi-Speed Pursuit Weapons Used  
 Offense Code Offense **City Ordinance Violation** No. of Premises  
 Bias Motivation Agg Asslt/Homic. Circumst.  
 Offense Addr. **203 IRONBRIDGE PL Euless, TX 76039** Loc.Type  
 Remarks

**Victim(s)**

Name	DOB	Race	Sex	DL	Address
Concerned Citizen,					

**Victims (Organizations)**

Name	Phone	Address
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**Other Involved Person(s)**

Name	Role	DOB	Race	Sex	DL	Address
Merced, Jose Ramon	Involved	04/19/1961	White	Male		203 IRONBRIDGE PL , Euless, TX 76039 (817) 283-4643 (H)

**EULESS POLICE DEPARTMENT**

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**Incident Involved Persons Report**

ORI: TX2200900

Incident No. 0600029188

6/21/2006

**Incident**

CAD No. 0600041652      Other No.      Type Non-Criminal      Date Occur 05/04/2006 19:15  
 Status Open      Clear. Date      Enter By: Hill, A.A. #446      Exc. Clear.  
 Inv. Status      Report By: Ho, S. #388      05/04/2006      Approv. By: Neill, D.E. #36      05/04/2006  
 Fam. Viol. No      Narrative I0600029188.doc  
 Description  
 Officer Ho took an incident report for a city ordinance violation

**Persons****Merced, Jose Ramon**

Race: White

Sex: Male

HT:

WT:

Skin Tone:

Hair Color:

Eyes:

Title:

Clothing:

Alias:

Role: Involved Person

**Vitals**

DOB: 4/19/1961      Ethnicity: Non-Hispanic      Marital Status:

DOD:      # of Dependents:

Date Married:

Resid. Status:

Religion:

Citizenship:

Separate Date:

Divorce Date:

Place of Birth:

**Known Address(es)**

Address: 203 IRONBRIDGE PL Euless, TX 76039

Yrs @ Addr:

Date Enter: 05/05/2006

**Identifications****Medical Conditions****Employment****Education****Physical Characteristics****Advanced Characteristics****Phone Numbers**

(1) Phone No.

(2) Phone No.

(3) Phone No.

(4) Phone No.

(817) 283-4643 Home

**Concerned Citizen,**

Race:

Sex:

HT:

WT:

Skin Tone:

Hair Color:

Eyes:

Title:

Clothing:

Alias:

Role: Victim

**Vitals**

DOB      Ethnicity      Marital Status:

DOD      # of Dependents:

Date Married:

Resid. Status:

Religion:

Citizenship:

Separate Date:

Divorce Date:

Place of Birth:

**Known Address(es)**

# ***EULESS POLICE DEPARTMENT***

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## **Incident Involved Persons Report**

ORI: TX2200900

Incident No. 0600029188

6/21/2006

Identifications

Medical Conditions

Employment

Education

Physical Characteristics

Advanced Characteristics

Phone Numbers

Incident Number: 0600029188

On Thursday 050406 at approximately 1957 hrs, I, Ofc H Ho #388 and Lt Neill were dispatched to 203 Ironbridge in regards to City Ordinance Violation. A concerned citizen advised that the residents were about to sacrifice several goats. When officers arrived, Animal Control Officer K Spargur #17500 was already on scene talking to the resident/Merced. Spargur advised that he did not see any goats and that Merced advised him that he was not going to sacrifice any goats tonight. Merced asked what process he would need to go through in order to sacrifice animals. He stated that he was part of the Yoruba religion and it was in their practice that they sacrificed animals and then consume them. Spargur advised Merced that it against city ordinance to slaughter animals, however he was unsure if it would be ok if it was done for religious purposes. Merced was told by Spargur to contact his supervisor in the morning to discuss the matter. Merced advised that he would not sacrifice any animals until the matter was discussed.

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No further information.

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★★★★

MCKAMIE LAW

13750 SAN PEDRO, SUITE 640  
San Antonio, Texas 78232

210.546.2122 F 210.546.2130  
WWW.MCKAMIELAW.COM

BRADFORD E. BULLOCK  
[bradford@mckamielaw.com](mailto:bradford@mckamielaw.com)

June 27, 2007

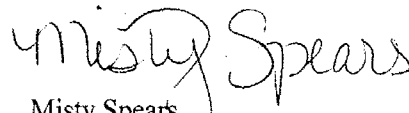
VIA FACSIMILE 214-748-8693

John Wheat Gibson, P.C.  
701 Commerce, Suite 800  
Dallas, Texas 75202

Dear. Mr. Gibson,

Enclosed is a copy of the Defendant's Objections and Answers to Plaintiff's First Set of Interrogatories as well as the Defendant's Responses to Plaintiff's First Request for Admissions.

Yours Very Truly,

  
Misty Spears  
Secretary to Bradford E. Bullock

Enclosure

CC:

Michael Q. Hyde  
Trial Attorney  
Civil Division, Federal Programs Branch  
United States Department of Justice  
20 Massachusetts Ave., N.W., Room 7132  
P.O. Box 883  
Washington, D.C. 20044  
Attorneys for the United States of America

VIA CMRR# 7160 3901 9849 8448 8003



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

JOSE MERCED, PRESIDENT,  
TEMPLO YORUBA OMO  
ORISHA TEXAS INC.

§  
§  
§  
§  
§  
§

Civil Action No. 4-06CV-891-A

V.

THE CITY OF EULESS

**DEFENDANT'S RESPONSES TO PLAINTIFF'S**  
**FIRST REQUEST FOR ADMISSIONS**

TO: Plaintiff Jose Merced by and through his attorney of record, John Wheat Gibson, John Wheat Gibson, P.C., 701 Commerce, Suite 800, Dallas, Texas 75202.

NOW COMES Defendant THE CITY OF EULESS and submits the attached objections and responses to Plaintiff's First Request for Admissions in accordance with FED. R. CIV. P. 36.

Respectfully Submitted,

**THE LAW OFFICES OF  
WILLIAM M. McKAMIE, P.C.**

13750 San Pedro, Suite 640

San Antonio, Texas 78232

(210) 546-2122

(210) 546-2130 (facsimile)

WILLIAM M. McKAMIE

Attorney in Charge

State Bar No. 13686800

BRADFORD E. BULLOCK

State Bar No. 00793423

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**


I certify that on June 27, 2007, a complete and correct copy of the foregoing pleading was served upon the following counsel of record in accordance with the Federal Rules of Civil Procedure:

John Wheat Gibson, P.C.  
701Commerce, Suite 800  
Dallas, Texas 75202

*VIA FACSIMILE 214-748-8693*

Michael Q. Hyde  
Trial Attorney  
Civil Division, Federal Programs Branch  
United States Department of Justice  
20 Massachusetts Ave., N.W., Room 7132  
P.O. Box 883  
Washington, D.C. 20044  
Attorneys for the United States of America

*VIA CMRR# 7160 3901 9849 8448 8003*



WILLIAM M. MCKAMIE  
BRADFORD E. BULLOCK

**RESPONSES TO REQUEST FOR ADMISSIONS**

3. The Euless City Code prohibits the killing of any animal inside the City of Euless by any person other than a peace officer, health officer, or animal control officer, except domesticated fowl considered as general tableware such as chicken or turkey.

**RESPONSE:** Admitted.

23. It is the contention of each Defendant in this lawsuit that animal sacrifice by the Plaintiff or any other member of the Santeria congregation at the Plaintiffs home is illegal under the Euless City Code.

**RESPONSE:** Objection — the term “animal sacrifice” is ambiguous and unclear.

Denied, as qualified. Qualification: The killing of livestock within the City limits is prohibited. The control of vermin, pests, and similar animals, including by killing such vermin, pests, and similar animals, is permitted. The Euless City Code prohibits the killing of any animal inside the City of Euless by any person other than a peace officer, health officer, or animal control officer, except domesticated fowl considered as general table fare such as chicken or turkey.

24. It is the contention of each Defendant in this lawsuit that no permit will be issued or other variance granted to permit the Plaintiff or another member of the Santeria congregation to sacrifice a goat at the Plaintiff's home.

**RESPONSE:** Objection — the term “sacrifice” is vague and unclear.

Subject to objection, Admitted as qualified. Qualification: If the term “sacrifice” means killing of a goat, there is no city-issued permit or variance available to allow the killing of a goat within the City of Euless.

25. The City of Euless has forbidden Mr. Merced and his co-religionists to sacrifice a goat on Mr. Merced's private real property.

**RESPONSE:** Objection — the term “sacrifice” is vague and unclear.

Subject to objection, Admitted as qualified. Qualification: If the term “sacrifice” means killing of a goat, such action is prohibited within the City of Euless.

26. If the Plaintiff sacrifices a goat in a religious ceremony at the Plaintiff's home in Euless, Texas, he will expose himself to prosecution by one or more Defendants or their employees or agents for violating Section 10-3 of Article I of the Euless City Code.

**RESPONSE:** Objection — the term “sacrifice” is vague and unclear.

Subject to objection, Admitted as qualified. Qualification: If the term “sacrifice” means killing of a goat, such action is prohibited within the City of Euless.

27. If the Plaintiff sacrifices a goat in a religious ceremony at the Plaintiff's home in Euless, Texas, he will expose himself to prosecution by one or more Defendants or their employees or agents for violating Section 10-65(4) of Article III of the Euless City Code.

**RESPONSE:** Objection — the term “sacrifice” is vague and unclear.

Subject to objection, Admitted as qualified. Qualification: If the term “sacrifice” means killing of a goat, such action is prohibited within the City of Euless.

28. The complete prohibition of blood sacrifice on private property, and therefore of the Santeria religion inside the City of Euless serves no legitimate governmental purpose.

**RESPONSE:** Objection — the term “blood sacrifice” is vague and unclear.

Subject to objection, Admitted as qualified. Qualification: If the term “blood sacrifice” means killing of an animal, such action is prohibited within the City of Euless.

29. It is the contention of each Defendant in this lawsuit that for the Plaintiff or any other member of the Santeria congregation to sacrifice a goat at the Plaintiff's home is illegal under the Euless City Code.

**RESPONSE:** Objection — the term “sacrifice” is vague and unclear.

Subject to objection, Admitted as qualified. Qualification: If the term “sacrifice” means killing of a goat, such action is prohibited within the City of Euless.

**ANSWERS TO INTERROGATORIES**

5. To how many homeowners besides the Plaintiff did any Defendant in this cause refuse during the period from 1 January 2002 to the present to issue a permit or otherwise refuse to allow the planned killing of an animal on a homeowner's premises?

**ANSWER:** Objection - the generic term "animal" in this context is ambiguous, unclear and overbroad. Subject to, and without waiving same, there is no city-issued permit or variance available to allow the killing of animals within the City of Euless

OFFICER NAME	VIOLATION DESCRIPITON	COUNT
JAMES, LARRY	ANIMAL (BARKING DOG-ORD. 10-66)	4
	TOTAL FOR OFFICER:	4
RICHARD BOATWRIGHT	ANIMAL (BARKING DOG-ORD. 10-66)	1
	TOTAL FOR OFFICER:	1
SPARGER, K	ANIMAL (BARKING DOG-ORD. 10-66)	1
	TOTAL FOR OFFICER:	1
	REPORT TOTAL:	6

VIOLATION LOCATION	COUNT
THE 1207 BLOCK OF MEADOWVIEW D	1
510 HOLLIDAY LANE	1
224 CANTERBURY	1
912 BECKER	1
803 BENT TREE DRIVE	1
803 BENT TREE	1
REPORT TOTAL:	6

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AGENCY NAME	COUNT
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ANIMAL CONTROL OFFICER	6
REPORT TOTAL:	6



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VIOLATION DESCRIPTION

COUNT  
-----

ANIMAL (BARKING DOG-ORD. 10-66)

6

REPORT TOTAL:

6

-----  
VIOLATION

VIOLATION DATE CASE NUMBER DEFENDANT OFFICER  
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8001

3/14/2003	AC338501	HENDERSON, TRACI M	JAMES, LARRY
4/13/2006	AC0366101	WOLFE, CYNTHIA	JAMES, LARRY
10/23/2006	AC334901	BROOKS, LETICIA	JAMES, LARRY
11/19/2006	AC366601	HARDER, KEVIN GLEN	SPARGER, K
12/08/2006	AC355901	REYNOLDS, CALVIN	JAMES, LARRY
2/06/2007	AC356001	REYNOLDS, CALVIN	RICHARD BOATWRIGHT

VIOLATION COUNT: 6

TOTAL COUNT: 6

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VIOLATION

VIOLATION DATE CASE NUMBER DEFENDANT

OFFICER  
-----

Animal (Cruelty-Ord) 10-65

VIOLATION COUNT:  $\phi$

TOTAL COUNT:

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VIOLATION

VIOLATION DATE CASE NUMBER DEFENDANT

OFFICER  
-----

Animal (Fail to Remove)

VIOLATION COUNT: 0

TOTAL COUNT:

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VIOLATION

VIOLATION DATE CASE NUMBER DEFENDANT

OFFICER  
-----

Animal (Food, Shelter, vet care)

VIOLATION COUNT:

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TOTAL COUNT: